

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JERELL MARSHON JACKSON,

9 Petitioner,

10 v.

11 PATRICK GLEBE,

12 Respondent.

13 CASE NO. C14-5025 BHS

14 ORDER DENYING MOTION TO
15 APPOINT COUNSEL AND
16 ADOPTING REPORT AND
17 RECOMMENDATION

18 This matter comes before the Court on the Report and Recommendation (“R&R”)
19 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 37),
20 Petitioner Jerell Marshon Jackson’s (“Jackson”) objections to the R&R (Dkt. 39), and
21 Jackson’s motion to appoint counsel (Dkt. 38).

22 On May 14, 2014, Judge Creatura issued the R&R recommending that the Court
23 deny Jackson’s petition because Jackson failed to show a right to relief on a self-
24 representation claim when Jackson voluntarily withdrew his request to represent himself.
25 Dkt. 37. On May 19, 2014, Jackson filed a motion to appoint counsel. Dkt. 38. On May
26 28, 2014, Jackson filed objections to the R&R arguing that his constitutional right to self
27 representation was violated. Dkt. 39. Jackson, however, fails to address the key fact in

1 his case, which is that he told the Superior Court judge, "I don't wish to go pro se, but I
2 would like another lawyer." Ultimately, he was provided a different lawyer and he never
3 again asked to represent himself, and thus was never denied such a request. s request to
4 represent himself. Therefore, the objections are without merit and the motion to appoint
5 is moot.

6 The Court having considered the R&R, Jackson's objections, and the remaining
7 record, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Jackson's petition is **DENIED**;
- (3) The motion to appoint is **DENIED as moot**;
- (4) The Court declines to issue a certification of appealability; and
- (5) The Clerk shall close this matter.

Dated this 24th day of June, 2014.


BENJAMIN H. SETTLE
United States District Judge